

# Exhibit B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RUBY LEVI and EMILY CHICOINE :  
On behalf of themselves and :  
All others similarly situated, :  
Plaintiffs, :  
vs. : C.A. No.:  
: 1:15-cv-216S-PAS  
GULLIVER'S TAVERN, :  
INCORPORATED and SOLID GOLD :  
PROPERTIES, INC., both d/b/a :  
THE FOXY LADY, :  
Defendants. :

DEPOSITION OF LORI SAVICKAS, a witness  
herein, taken on behalf of the Plaintiffs on  
Wednesday, January 25, 2017, 10:01 a.m., at  
Bianchi & Brouillard, P.C., 56 Pine Street,  
Providence, Rhode Island, before Patricia Bracken,  
a Certified Shorthand Reporter and appointed  
Commissioner for the State of Rhode Island.

Vivian S. Dafoulas & Associates  
50 Fieldstone Drive  
East Greenwich, RI 02818-2064  
(401) 885-0992

ORIGINAL

1 MR. CALIFANO: And on a rare occasion, I  
2 might want to object between his question and your  
3 answer.

4 THE WITNESS: Sure.

5 MR. CALIFANO: Thank you.

6 Q. And you mentioned you work at the club?

7 A. Yes.

8 Q. And what club are you referring to?

9 A. Foxy Lady nightclub.

10 Q. Okay. Is that the Foxy Lady located at  
11 318 Chalkstone Ave. in Providence?

12 A. Yes.

13 Q. And what position do you -- are you  
14 employed in there?

15 MR. CALIFANO: Object to the form. You  
16 can answer if you understand.

17 A. I'm an employee.

18 Q. What title do you have?

19 A. I don't know if I actually have a title,  
20 but I help out in any areas they need somebody to  
21 help out.

22 Q. Okay. How long have you worked at the  
23 Foxy Lady?

24 A. On and off for the last 25-plus years.

25 Q. Okay. And just for clarity on the

1 department at the time.

2 Q. Okay. So first, what do you mean by  
3 "entertainment department"?

4 A. The entertainment department, that's the  
5 entertainers that work for us or, you know, work  
6 at the club.

7 Q. Okay. And the understanding is that you  
8 were referring to the exotic dancers?

9 A. Yes.

10 Q. And what sort of responsibilities did  
11 you have with respect to the entertainment  
12 department?

13 A. Well, we had an entertainment manager,  
14 and I would help her hire entertainers basically.

15 Q. Okay. And this was about ten years ago?

16 A. I would say about ten years ago, yes.

17 Q. Who was the entertainment manager at  
18 that time?

19 A. I believe it was Carol Moran.

20 Q. Is Carol Moran still working at the Foxy  
21 Lady?

22 A. No, she's not.

23 Q. When did she stop working at the Foxy  
24 Lady?

25 A. I believe it was a couple of years ago

1 A. The entertainers.

2 Q. Okay. So the entertainers can shower in  
3 view of the guests?

4 A. Usually with a customer.

5 Q. I see. Okay. So that's something a  
6 customer would have to arrange for?

7 A. Yes.

8 Q. Do you see the box in the sort of  
9 right-hand side that says "massage room"?

10 A. Yes.

11 Q. Is there actually a massage room at the  
12 Foxy Lady?

13 A. Yes.

14 Q. And who are the individuals who work in  
15 the massage room?

16 A. Our employees.

17 Q. Okay. So does the Foxy Lady employ  
18 massage therapists or masseuses who work there?

19 A. Yes.

20 Q. Are those individuals also entertainers  
21 or dancers at the Foxy Lady?

22 A. No.

23 Q. Okay. The two VIP areas that are  
24 designated here, are they separated from the main  
25 floor in some way?

1 Q. And are they employees of the club?

2 A. Yes.

3 Q. You also mentioned that -- earlier, I  
4 mentioned a position called house mom.

5 A. Yes.

6 Q. Have you, yourself, ever worked as a  
7 house mom at the Foxy Lady?

8 A. On and off.

9 Q. Could you describe for me what the house  
10 mom position is?

11 A. The house mom position is basically  
12 someone who oversees the dressing room. She is  
13 the one who helps the entertainers, supplies the  
14 dressing room with toiletries, snacks, and helps  
15 the entertainers if they have a button that needs  
16 to be sewed on. If an entertainer wants to talk  
17 to her about private matters, she's just in the  
18 dressing room to make sure that chaos doesn't  
19 break out.

20 Q. And how many house moms does Foxy Lady  
21 currently have?

22 A. Four -- no. Five. I'm sorry. Five.

23 Q. And has that number been roughly  
24 consistent over the past three or four years?

25 A. Yes.

1 have there been signs like that posted within the  
2 club?

3 A. Yes. You know, not big signs. Just a  
4 little piece of paper like this saying, you know,  
5 we're looking for you or something that would grab  
6 somebody's eye if they were looking to be an  
7 entertainer or an employee.

8 Q. Got it. Are there certain days of the  
9 week that management will conduct auditions, or  
10 will they do an audition at any time?

11 A. Any time.

12 Q. And so what does the audition consist  
13 of?

14 A. For the entertainers, it's putting on an  
15 outfit and then just getting on the stage and  
16 dancing around a little bit. And then they remove  
17 their top, and at that point, you know, they make  
18 the decision if they're hireable or not.

19 Q. Okay. These auditions, how many people  
20 will usually observe the audition, the  
21 performance?

22 A. Probably two.

23 Q. Do you personally participate in them?

24 A. Sometimes if I'm available.

25 Q. And a house mom?

1 A. House mom, managers.

2 Q. So is it safe to say that the  
3 performance is always done for both a house mom  
4 and a manager?

5 A. I would say so.

6 Q. Is there any sort of like a  
7 question-answer interview session with the  
8 entertainer at any point?

9 MR. CALIFANO: Object to the form. You  
10 can answer.

11 A. Sometimes we'll ask them their age, if  
12 they've been an entertainer anywhere else, and how  
13 long they've been an entertainer for.

14 Q. Okay. Do you -- strike that.

15 Are there specific qualities to the  
16 performance that an entertainer does during an  
17 audition that you look for, that you personally  
18 look for in evaluating whether to take the  
19 entertainer on?

20 A. Well, naturally you want a girl who is  
21 pretty, somewhat thin, hopefully not on drugs.  
22 You know, that all comes into play. We hire --  
23 well, we bring in entertainers that range -- we  
24 try to keep it where we don't have too many  
25 underage girls. And when I say "underage," under



1       entertainers who are between the ages of 18 and  
2       21?

3             A.     Well, preferably 18 or 19.

4             Q.     Okay. But just so that I'm clear, your  
5       preference is for entertainers who are over the  
6       age of 21?

7             A.     No. Our preference is for a girl that  
8       we feel -- an entertainer that we feel is going to  
9       be able to be a good entertainer, make money when  
10      she comes into the club, and not be a nuisance to  
11      us. And we have found over the years that when  
12      you have underage girls that aren't allowed to  
13      drink and they're in an atmosphere that liquor is  
14      being served, that it's not always the best recipe  
15      for success.

16            Q.     Okay. And so for that reason, you try  
17      to minimize the under 21 and over 18 entertainers?

18            A.     Right. But we do have under 21 girls,  
19      you know, aged girls right now at the club  
20      working.

21            Q.     Sure. I believe you also said that you  
22      prefer -- or strike that -- that you --

23                    I believe you also said that during an  
24      audition, you look for entertainers who were able  
25      to talk to the guests, talk to customers?

1           A.    Yes.

2           Q.    And how do you evaluate that during an  
3 audition?

4           A.    As soon as they open up their mouth.

5           Q.    So do you ask them any sort of specific  
6 questions to engage their communication skills?

7           A.    When a girl tells me she wants to be a  
8 stripper, I know that she's not suited for our  
9 club because we have entertainers and not  
10 strippers.

11          Q.    Okay. And in your mind, what is the  
12 difference between a stripper and an entertainer?

13          A.    An entertainer is someone who knows how  
14 to entertain the clientele. A stripper is someone  
15 who just wants to make money any way she can.

16          Q.    Okay. Have you ever had a woman come in  
17 to audition and say she wants to be an exotic  
18 dancer?

19          A.    No.

20          Q.    Aside from the terms "entertainer" and  
21 "stripper," are there any other terms that  
22 prospective entertainers have said they'd like to  
23 be described in that position during their  
24 audition?

25          A.    No.

1 Q. Who -- strike that.

2 At what point in an audition, or after  
3 an audition I guess, is the decision made to  
4 actually offer the opportunity to work at the Foxy  
5 Lady to be a prospective entertainer?

6 A. It could be right on the spot.

7 Q. How often does that happen?

8 A. If she fits the criteria, all the time.  
9 If she doesn't fit the criteria, then we kindly  
10 tell them that the management has to look at the  
11 tape, and then we'll be back in touch to let them  
12 know if we decide to bring them in as an  
13 entertainer.

14 Q. Okay. What is the tape that you just  
15 referred to?

16 A. There is no tape.

17 Q. Oh, okay. So it's your way of --

18 A. Kindly not insulting them.

19 Q. Okay. So it is to essentially say that  
20 they've been recorded, and you're going to review  
21 the tape and get back to them?

22 A. Right.

23 Q. I see. Do you ever genuinely need to  
24 think about it for a day or so and then get back  
25 to someone, or do you usually make a decision on

1 the spot?

2 A. Sometimes. Sometimes.

3 Q. Sometimes you'll need time to think  
4 about it?

5 A. (Witness nodded.)

6 Q. And can you give me an example of an  
7 occasion when that happened?

8 A. No. You really don't want to lose a  
9 good entertainer when they come in because if we  
10 say no to them, they're only going to go to the  
11 next club down the street. So if we feel they're  
12 a good fit for our establishment, at that point,  
13 we'll let them -- they can usually start that day  
14 if they're interested. If not, we'll say whenever  
15 you want to come in and start working, that's fine  
16 with us.

17 Q. Based on your experience doing this  
18 work, what qualities would you say go into a  
19 really good entertainer, someone that the Foxy  
20 Lady would want to offer work to?

21 MR. CALIFANO: Objection. Asked and  
22 answered. You can answer it again.

23 A. Someone who is good looking, someone who  
24 is well kept, someone who has the -- I don't know  
25 if you want to say the right mold or body, and

1 someone that shows that they're an entertainer and  
2 not a stripper.

3 Q. So good communication skills?

4 A. Yes.

5 Q. All the criteria you previously had  
6 listed?

7 A. (Witness nodded.)

8 Q. Is that a yes?

9 A. Yes.

10 Q. Do you ask for any references from  
11 prospective entertainers when they come in to  
12 audition?

13 A. No.

14 Q. Do you ask to see any sort of a resume?

15 A. No.

16 Q. Do you have them fill out any sort of an  
17 application?

18 A. No.

19 Q. When was the last time that you  
20 personally auditioned an entertainer?

21 A. Monday.

22 Q. And how did that individual get in touch  
23 with you?

24 A. I believe they reached out to somebody  
25 from the website, and then they told them to come

1 way they make money is from the customers?

2 A. Yes.

3 Q. Do you explain to them that the Foxy  
4 Lady doesn't pay them anything?

5 A. As an independent contractor, they know  
6 that.

7 Q. Okay. Have you ever had to say to a  
8 dancer who you've offered a position to that  
9 you're not getting paid by the club?

10 A. No one has ever asked.

11 Q. The woman who you auditioned on Monday,  
12 did you have her sign a license agreement?

13 A. At that point --

14 MR. CALIFANO: Object to the form. You  
15 can answer.

16 A. At that point, I basically introduced  
17 them to the house mom, and at that point, the  
18 house mom takes over, and they get their  
19 information.

20 Q. Okay. And do you have -- all the women  
21 who audition, who pass an audition, do you have  
22 all of them sign a license agreement?

23 MR. CALIFANO: Object to the form. You  
24 can answer.

25 A. Yes.

1 Q. As far as you're aware, has there ever  
2 been an entertainer who has been offered a chance  
3 to work at the Foxy Lady after auditioning who has  
4 worked there and not signed a license agreement?

5 A. Not to my knowledge.

6 Q. When a dancer has passed the audition,  
7 do you explain anything -- and has accepted to  
8 work there, do you explain anything to her about  
9 any amounts that she'll be expected to tip out to  
10 any positions?

11 A. No.

12 Q. Do you explain anything about any rental  
13 fees or other fees that she'll pay to work at the  
14 Foxy Lady?

15 A. Well, there's a \$60 a week house fee  
16 that they pay. And that enables them to come into  
17 the club and use our establishment for the purpose  
18 for them to make money.

19 Q. Do you explain that to a woman who has  
20 passed an audition and accepted the work?

21 A. We just tell them that there is a  
22 \$60-a-week house fee.

23 Q. Do you explain to them what that fee is  
24 for?

25 MR. CALIFANO: Objection. Asked and

1 don't know what you want to call them -- dummy  
2 pictures or pictures of girls who are actual  
3 models. They may use that.

4 Q. Okay. When the club has used a  
5 photograph of an entertainer in advertising, have  
6 you ever been involved in that process?

7 A. No, not at all.

8 Q. Do you know who has been involved in  
9 that process?

10 A. No, I don't.

11 Q. Do you know if the entertainers are paid  
12 anything for when their picture is used in  
13 advertisements?

14 A. Not that I know of.

15 Q. Does that mean you don't know, or you  
16 don't believe that they're paid?

17 A. I don't know.

18 Q. Okay. The last paragraph, in  
19 paragraph 7, it reads "performer agrees that the  
20 fee in section 3 does not include fees for the  
21 following services: Hair and makeup artists and  
22 dressing room management." Do you see the  
23 dressing room management?

24 A. Uh-huh.

25 Q. Do you know what that refers to?



1 MR. CALIFANO: Objection. You can  
2 answer.

3 A. No.

4 Q. Are you aware of any fees that the  
5 entertainers pay for use of the dressing room or  
6 for maintaining the dressing room?

7 A. No.

8 Q. In the back of the contract, there's an  
9 attachment. It says "Exhibit A." It's on page  
10 Bates numbered 19. Are you on that page?

11 A. Yes.

12 Q. Have you ever seen this particular page  
13 before?

14 A. I've seen it, yes.

15 Q. Have you read it previously prior to  
16 today?

17 A. Not all of it, no.

18 Q. Did you have any -- did you play any  
19 role in drafting or contributing any information  
20 to this page?

21 A. No. No, I did not.

22 Q. Do you know who it was who prepared  
23 Exhibit A to this agreement?

24 A. No, I don't.

25 Q. So this page that has at the top

1 underlined "Exhibit A", and then it says "club  
2 rules for entertainers." Is that correct?

3 A. That's what it reads, yes.

4 Q. Once you've had a chance to look through  
5 the bullet-pointed list of items here, could you  
6 let me know if this is an accurate listing of the  
7 club rules for entertainers at the Foxy Lady?

8 MR. CALIFANO: Objection. You can  
9 answer.

10 A. I believe this was initiated back when  
11 the previous mayor started saying about  
12 prostitution within establishment. And I believe  
13 this was enacted so it would allow the girls to  
14 realize that we do not appreciate anyone doing  
15 sexual activity in the club or leaving the  
16 premises with a customer. We didn't want to leave  
17 ourselves open for any harassment or prostitution.

18 Q. Okay. So do you know -- the sequence of  
19 events you just described, do you recall when that  
20 happened?

21 A. I don't recall when it happened. I  
22 believe it happened, like I said, when the  
23 ex-mayor proposed something for the city with  
24 regards to prostitution.

25 MR. CALIFANO: That's okay. He just

1 asked when. Do you recall when?

2 THE WITNESS: No, I don't recall when.

3 Q. But my original question was not when or  
4 why this document was prepared, but whether the  
5 items listed here are actual rules that are in  
6 place at the Foxy Lady as far as you know.

7 MR. CALIFANO: Objection. You can  
8 answer if you have an understanding.

9 A. Yeah, I don't -- I think this is just  
10 for protection of the club to be perfectly honest  
11 with you.

12 Q. Okay. So is it a rule at the Foxy Lady  
13 that the entertainers must be dressed before they  
14 leave the stage or dance area?

15 A. No.

16 MR. CALIFANO: Objection.

17 THE WITNESS: I'm sorry.

18 MR. CALIFANO: That's okay.

19 Q. Is that something that management or the  
20 house mom at the Foxy Lady encourages the dancers  
21 to do?

22 MR. CALIFANO: Objection. You can  
23 answer.

24 A. No.

25 Q. Is it a guideline that the Foxy Lady has

1 for its entertainers?

2 MR. CALIFANO: Objection. You can  
3 answer.

4 A. I think we appreciate if they don't get  
5 off stage and walk around with no clothing on. I  
6 mean if they're going to get off stage and then  
7 decide to stay on the main floor, please put  
8 clothing on. We don't want any entertainer  
9 walking around with no clothes on, but to say --  
10 usually the girls will leave the stage without  
11 their clothes because they go back around the  
12 curtain and go down the stairs to refresh  
13 themselves.

14 Q. Okay. And to put clothes back on?

15 A. Exactly.

16 Q. Okay.

17 A. Or to change their outfit.

18 Q. What about the bullet point that reads,  
19 "two feet are to remain on the floor in any dance  
20 area," is that a guideline or a suggestion of the  
21 club or management of --

22 A. It's a --

23 MR. COMERFORD: Objection.

24 MR. CALIFANO: Objection.

25 THE WITNESS: Oh, I'm sorry.

1 MR. CALIFANO: It's okay. Go ahead.

2 A. It's a suggestion because of the  
3 prostitution, you know. That's what the city has  
4 told us, that realistically, it's supposed to be a  
5 foot or two on the floor when performing a private  
6 distance for a customer.

7 Q. Okay. So this is -- that specifically  
8 refers to a private dance --

9 A. Right.

10 Q. -- as opposed to a stage dance?

11 A. Yes.

12 MR. CALIFANO: Objection. You can  
13 answer.

14 A. Right.

15 Q. The first bullet point at the top  
16 requires that the entertainer have proper picture  
17 identification showing you're at least 21 years  
18 old. Do you see that?

19 A. Yes.

20 Q. But you have entertainers who are under  
21 21 years old. Is that correct?

22 A. Yes.

23 Q. And so they don't have to have  
24 identification identifying themselves as older  
25 than 21, do they?

1           A.     Everybody needs a form of  
2     identification.

3           Q.     Right. But it doesn't need to show that  
4     they're at least 21 because you have some  
5     entertainers who are under 21?

6           A.     Right.

7           Q.     The final bullet point notes that "if  
8     there are any problems, see a floor host or a  
9     house mom." Do you see that?

10          A.     Yes.

11          Q.     Have there been occasions where  
12     entertainers have had to seek out a floor host or  
13     a house mom due to a problem?

14                 MR. COMERFORD: Objection to "a  
15     problem".

16          A.     Yes.

17          Q.     And can you give me an example of some  
18     of those instances?

19          A.     Okay. With the floor host, I would  
20     suggest that if a customer is being unruly or rude  
21     to an entertainer, they have to see the floor  
22     host, and the floor host will make note and get  
23     the manager on duty to decide whether they're  
24     going to allow that gentleman or woman to stay in  
25     the club.

1 the DJ and say hey, I don't want to perform on the  
2 stage tonight in order to not be called up on  
3 stage?

4 A. Well, I would think that -- they make  
5 their presence known to him. And if they don't  
6 want to go on stage, then they tell him I don't  
7 want to go on stage. Other than that, they know  
8 that he'll put them on the rotation.

9 Q. Why would an entertainer -- well, first  
10 to clarify, that \$100 payment to the DJ, is that  
11 something that you know has happened from  
12 experience?

13 A. Many times.

14 Q. Okay. So why would an entertainer need  
15 to pay a DJ \$100 to not do a stage performance or  
16 to be excluded from the rotation?

17 A. Because she's more or less saying I'm  
18 going to be busy tonight, and I want to not be  
19 able to have to do -- you know, go on stage. Not  
20 that he would put her on, but there's girls that  
21 just don't want to be seen in the club.

22 Q. Okay. I guess I don't understand what  
23 the \$100 has to do with it.

24 A. Well, it's part of the industry. It's  
25 like an unwritten, whatever you want to call it.

1 I don't know.

2 Q. A custom?

3 A. Yeah, a custom in every nightclub  
4 throughout the country.

5 Q. Okay. Including --

6 A. Because realistically, they could  
7 probably make more money not being on the stage  
8 than going on stage.

9 Q. Right. I understand that.

10 A. And they want their time to be able to  
11 do whatever they want to do.

12 Q. Sure. Could an entertainer or has an  
13 entertainer at the Foxy Lady ever gone to a DJ and  
14 not paid the DJ anything and said hey, take me off  
15 the rotation tonight?

16 A. Yes.

17 Q. So there isn't a requirement to pay  
18 the --

19 A. No.

20 Q. -- the DJ any --

21 A. There's no requirement.

22 Q. It's just sort of a common practice?

23 A. That's what they feel.

24 Q. "They" being the entertainers?

25 A. The entertainers.



1           Q.    Is that practice communicated to them in  
2           any way by the house moms and the managers at the  
3           Foxy Lady?

4           A.    No.

5           Q.    So have you, yourself, ever told an  
6           entertainer hey, if you don't want to be on the  
7           stage rotation tonight, you should go pay the DJ  
8           or something like that?

9           A.    No.   No.

10          Q.    Are you aware of a house mom ever saying  
11          anything like that to an entertainer?

12          A.    I don't know what they said, but no, I  
13          don't think so.

14          Q.    Do the entertainers tip out the  
15          bartenders at the Foxy Lady?

16               MR. CALIFANO:  Objection.  You can  
17          answer if you know.

18          A.    I don't know.

19          Q.    Do you know if the entertainers give  
20          money to the bartenders for anything other than  
21          paying for drinks?

22          A.    They may.

23          Q.    What are the circumstances in which that  
24          happens?

25          A.    Well, I mean as a gratuity.